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<b>Exhibit A</b>	<b>Complaint – Pima County Superior Court Case No. C20112739</b>
<b>Exhibit B</b>	<b>Affidavit of Service as to Defendant LTL Transport, Inc.</b>

# **EXHIBIT A**

1 Frances T. Lynch  
Pima County No. 35732  
2 State Bar No. 012249  
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3 **BACHE & LYNCH**  
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4 Tucson, AZ 85704  
Telephone: (520) 293-5300  
5 Facsimile: (520) 742-1902  
Attorney for Plaintiff

6  
7 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**

8 **IN AND FOR THE COUNTY OF PIMA**

9 **STEVE RUE, a married man,**

10 **Plaintiff,**

11 **-vs-**

12 **DAVEDILLON SEVILLA DANCEL**  
and JANE DOE DANCEL, husband  
and wife; D & D TRANSPORT, a  
13 foreign entity; CHARLOTTE M.  
SHROPSHIRE and JOHN DOE  
14 SHROPSHIRE, husband and wife;  
LTL TRANSPORT INC., a foreign  
15 corporation; JOHN DOES 1-10; JANE  
DOES 1-10; ABC CORPORATIONS 1-  
16 10; XYZ PARTNERSHIPS 1-10; and  
LIMITED LIABILITY COMPANIES  
17 A-Z,

18 **Defendants.**

No. C200112739

**COMPLAINT**

Assigned to Hon.

19 Plaintiff Steve Rue, by counsel, for his claim against the Defendants, alleges:

20 1. He is a married man and resides in Pima County, Arizona. All matters relevant to  
21 this action took place in Cochise County, Arizona.

22 2. Upon information and belief, Defendants Davedillon Sevilla Dancel and Jane  
23 Doe Dancel were, at the time of the incident referred to herein husband and wife, residents of  
24

1 Los Angeles County, Azusa, California, and all acts of the Defendant Davedillon Sevilla Dancel  
2 set forth herein were on behalf of the marital community.

3 3. Defendant D & D Transport is a foreign entity doing business in the State of  
4 Arizona. At all relevant times, Defendant D & D Transport was carrying on in its ordinary  
5 course of business of the corporation and was doing business in Cochise County, Arizona.

6 4. Upon information and belief, Defendant Dancel was acting in the course and  
7 scope of his employment with D & D Transport at the time of the incident referred to herein.

8 5. Upon information and belief, Defendants Charlotte M. Shropshire and John Doe  
9 Shropshire were, at the time of the incident referred to herein husband and wife, residents of  
10 Denton County, Corinth, Texas, and all acts of the Defendant Charlotte M. Shropshire set forth  
11 herein were on behalf of the marital community.

12 6. Defendant LTL Transport, Inc. is a foreign corporation doing business in the  
13 State of Arizona. At all relevant times, Defendant LTL Transport, Inc. was carrying on in its  
14 ordinary course of business of the corporation and was doing business in Cochise County,  
15 Arizona.

16 7. Upon information and belief, Defendant Shropshire was acting in the course and  
17 scope of her employment with Defendant LTL Transport, Inc. at the time of the incident  
18 referred to herein.

19 8. Defendants John Does 1-10, Jane Does 1-10, ABC Corporations 1-10, XYZ  
20 Partnerships 1-10, and Limited Liability Companies A-Z are fictitious names for persons and  
21 entities which may be responsible for some or all of the actions complained herein, whose real  
22 names will be substituted and conformed in the caption on filing of a notice pleading when they  
23 are ascertained.

24

1           9.     The State of Arizona has Jurisdiction over this matter and venue is proper in the  
2 Pima County Superior Court.

3           10.    On December 28, 2010, Defendant Dancel was operating a freightliner truck  
4 owned by Defendant D & D Transport on eastbound Interstate 10 at approximately milepost  
5 319.2. Another truck was slowing and, in an attempt to avoid a collision, Defendant Dancel  
6 veered to the left. In the process Defendant Dancel struck the rear of the other truck and  
7 continued traveling through the dirt median and into the westbound traffic lanes of Interstate 10.  
8 The truck came to a rest blocking all westbound traffic lanes.

9           11.    At the same time, Plaintiff and Defendant Shropshire were operating their  
10 respective freightliner trucks on westbound Interstate 10 at approximately milepost 319.4. The  
11 truck being operated by Defendant Shropshire was owned by Defendant LTL Transport, Inc.

12           12.    Westbound traffic on Interstate 10 was stopped due to Defendant Dancel's truck  
13 blocking all lanes. Plaintiff was on the left-hand lane ahead of Defendant Shropshire, who was  
14 in the right-hand lane. When Plaintiff saw Defendant Dancel's truck blocking the traffic lanes,  
15 Plaintiff slowed and merged to the right-hand lane when his truck was rear-ended by the truck  
16 being operated by Defendant Shropshire.

17           13.    The collision was proximately caused by the negligence of Defendants Dancel  
18 and Shropshire in operating their respective freightliner trucks.

19           14.    The acts and omissions of Defendant Dancel in causing the subject collision and  
20 particularly in violating A.R.S. § 28-701, constitutes negligence *per se*.

21           15.    Defendant D & D Transport failed to properly investigate Defendant Dancel's  
22 driving history, and failed to properly train him in the operations of a freightliner truck.  
23  
24

1 Entrusting the freightliner truck to Defendant Dancel constitutes negligence, and was also a  
2 proximate cause of the personal injuries sustained by Plaintiff.

3 16. Defendant LTL Transport, Inc. failed to properly investigate Defendant  
4 Shropshire's driving history, and failed to properly train her in the operations of a freightliner  
5 truck. Entrusting the freightliner truck to Defendant Shropshire constitutes negligence, and was  
6 also a proximate cause of the personal injuries sustained by Plaintiff.

7 17. Plaintiff was free of any comparative fault or negligence with respect to the  
8 subject accident or his accident-related injuries and damages.

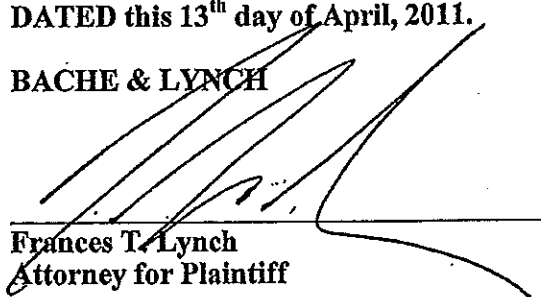
9 18. As a direct and proximate result of the negligence of said Defendants, Plaintiff  
10 sustained personal injuries; he has incurred doctor and medical bills for his treatment; he has  
11 suffered pain; and he has lost time from work and from his normal activities.

12 19. In addition, as a further direct and proximate result of Defendants' negligence in  
13 causing the accident, Plaintiff will sustain prospective damages for future pain and suffering;  
14 incur reasonable and necessary expenses in receiving medical treatment, invasive surgery,  
15 therapy or rehabilitation in an amount which will be established at trial; and incur "hedonic"  
16 damages due to his loss of enjoyment of life's activities in the future.

17 **WHEREFORE**, Plaintiff prays for judgment against the Defendants in an amount  
18 sufficient to reasonably compensate him for the injuries and damages sustained, for his costs  
19 and all other proper relief.

20 **DATED this 13<sup>th</sup> day of April, 2011.**

21 **BACHE & LYNCH**

22   
23 **Frances T. Lynch**  
24 **Attorney for Plaintiff**

## **EXHIBIT B**

1 Frances T. Lynch  
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2 State Bar No. 012249  
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LIMITED LIABILITY COMPANIES  
17 A-Z,

18 Defendants.

No. C20112739

AFFIDAVIT OF SERVICE AS TO  
DEFENDANT LTL TRANSPORT, INC.

Assigned to Hon. Ted B. Borek

19 Pursuant to Arizona Rules of Civil Procedure Rule 4.2(c), undersigned counsel certifies  
20 the following:

21 1. Defendant LTL Transport, Inc., a foreign corporation, are known to be located  
22 outside the state of Arizona.  
23  
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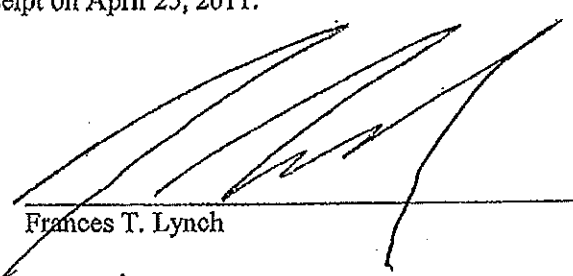
*Superior Court Case No. C20112739*

1           2.     The summons, a copy of the complaint, and a copy of the certificate of arbitration  
2 were placed in the mail, prepaid and return receipt requested, and were mailed to LTL Transport,  
3 Inc.


4           3.     That said papers were received by LTL Transport, Inc. as evidenced by  
5 the return receipt, a copy of which is attached hereto as Exhibit A.

6           4.     That LTL Transport, Inc. received said papers on April 21, 2011, and  
7 undersigned received the return receipt on April 25, 2011.

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Frances T. Lynch

Subscribed and sworn to before me this 25<sup>TH</sup> day of April, 2011 by Frances T. Lynch.

  
\_\_\_\_\_  
Notary Public

My Commission Expires:

3/25/12

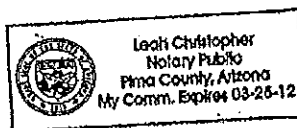


EXHIBIT A

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<p>TO: [illegible]</p> <p>FROM: [illegible]</p> <p>ATTENTION: [illegible]</p> <p>DATE: [illegible]</p> <p>TIME: [illegible]</p> <p>LOCATION: [illegible]</p> <p>REMARKS: [illegible]</p>	<p>[illegible signature]</p> <p>[illegible stamp]</p>
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